

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAUL J. DELORENZO JR.,

Plaintiff,

-against-

MIKE SCHIFF; DR. WEISS,

Defendants.

20-CV-8594 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, proceeding *pro se*, and was detained in the Sullivan County Jail when he filed this action. Plaintiff submitted a request to proceed *in forma pauperis* (IFP) with his complaint but he did not submit a prisoner authorization. By order dated October 16, 2020, the Court directed Plaintiff to either pay the \$400.00¹ in fees or complete, sign, and submit a prisoner authorization. The order was returned to the Court on November 17, 2020, because Plaintiff was no longer detained in the Sullivan County Jail. A review of Plaintiff's original submission revealed that Plaintiff included a letter with an alternate mailing address because Plaintiff believed that he would soon be released. The Clerk of Court then mailed the October 16, 2020 order to Plaintiff at the mailing address indicated in his letter.

Because Plaintiff had been released, by order dated December 22, 2020, the Court directed Plaintiff, within thirty days, to submit an amended IFP application or pay the \$400.00 in fees required to file a civil action in this Court. That order was mailed to Plaintiff at the mailing address indicated in his letter and specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an amended IFP application or paid the fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

¹ On December 1, 2020, the filing fees required to file a federal civil action increased to \$402.00 – a \$350.00 filing fee plus a \$52.00 administrative fee. Because Plaintiff's action was filed prior to December 1, 2020, the increased filing fees do not apply to this action.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: February 26, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge